

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to driver’s licenses for undercover law enforcement officers and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 625, “Driver’s Licenses for Undercover Law Enforcement Officers,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.189A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.189 and 321.189A.

Purpose and Summary

The proposed amendments add that an applicant who is employed by a state or local law enforcement agency that is located outside Iowa is ineligible for an undercover Iowa driver’s license. These officers typically have no jurisdictional authority to conduct official activity in Iowa and may seek to obtain an undercover driver’s license from their state of domicile. However, federal law enforcement officers remain eligible to obtain undercover driver’s licenses as provided in Iowa Code section 321.189A(2).

In addition, the proposed amendments update terminology from “disapprove” to “deny” in relation to application processing, clarify that the Bureau of Investigation and Identity Protection is responsible for collecting and canceling surrendered driver’s licenses, and update the chapter’s implementation sentence to add Iowa Code section 321.189, which is the statute that prescribes the content of all driver’s licenses issued by the Department.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 20, 2022. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on December 22, 2022, via conference call at 9 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on December 20, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—625.2(321) as follows:

761—625.2(321) Application.

625.2(1) to **625.2(3)** No change.

625.2(4) The department shall approve or ~~disapprove~~ deny the application, based on the results of the investigation and the determination of necessity.

625.2(5) An applicant employed by a state or local law enforcement agency that is located in a state other than Iowa is not eligible for an undercover driver's license issued under this chapter.

ITEM 2. Amend rule 761—625.5(321) as follows:

761—625.5(321) Cancellation. When the need for an undercover license no longer exists or if the licensee ceases to be employed by the sponsoring law enforcement agency, the licensee shall surrender the undercover license to the ~~department~~ bureau of investigation and identity protection for cancellation.

ITEM 3. Amend **761—Chapter 625**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 22.7, 80G.3, 321.189, 321.189A, and 321.196 and 6 CFR Part 37.